

**THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:) Chapter 11
GALLERIA 2425 OWNER, LLC,) Case No. 23-34815
Debtor.)

**RESPONSE OF ALI CHOUDHRI TO NATIONAL BANK OF KUWAIT, S.A.K.P.
NEW YORK BRANCH'S EMERGENCY MOTION TO ENFORCE THE GATE-
KEEPING PROVISIONS OF THE CONFIRMED CHAPTER 11 PLAN**

To the Honorable Court:

Ali Choudhri hereby files this response to the motion by Bank of Kuwait, S.A.K.P. New York Branch (“NBK”) to Enforce the Gate-Keeping Provisions of the Confirmed Chapter 11 Plan (Dkt No. 758) and would show as follows:

1. The Plan that the Court confirmed on June 22, 2024 (Dkt. No. 455) contains a “gatekeeping” provision requiring that certain parties hoping to maintain claims against NBK or other enumerated entities must first obtain a ruling from the Bankruptcy Court that the claims are colorable non-estate claims that are not released by the Plan. (*See* Mot. at 4) (citing Dkt. No. 566 at 5, Plan, Art. IX(E))

2. NBK now asks the Court to enforce the terms of the gatekeeper provision as it concerns the following pending cases in which NBK claims an interest:

Naissance Galleria, LLC v. Zaheer, et al., Cause No. 2023-43755, pending in the 80th District Court of Harris County,

Texas

Naissance Galleria, LLC v. NBK, Cause No. 2023-41091, pending in the 129th District Court of Harris County, Texas

Galleria 2425, LLC, Naissance Galleria, LLC and Choudhri v. NBK, Adversary Case No. 23-06009, pending in this Court; and

Choudhri v. NBK and Zaheer, Adversary Case No. 23-03263, pending in this Court.

3. NBK now seeks an order “staying the pending litigation” listed above, and “establishing an expedited briefing schedule” for parties to seek Bankruptcy Court approval to maintain the currently pending litigation against NBK. (Mot. 3)

4. Choudhri does not oppose this requested relief. While Choudhri objected to both the Plan’s gatekeeping provision and its releases, and entities affiliated with his interests are currently challenging those provisions of the Plan on appeal, subject to those objections, and without waiving same, Choudhri is willing to cooperate with NBK in seeking to stay or abate the above-mentioned litigation while the Court decides any motions seeking gatekeeping approval to maintain that litigation against NBK.

Choudhri also proposes the following briefing schedule for all motions seeking gatekeeping approval: All motions shall be filed on or before November 8, 2024; NBK shall file its Response to the Motion by December 8, 2024; and Plaintiffs shall file any reply by December 20, 2024.

CONCLUSION

For these reasons, Ali Choudhri respectfully requests that this Motion to Enforce the Gate-Keeping Provisions of the Confirmed Chapter 11 Plan be granted; that the parties

cooperate to seek to stay or abate the specific litigation listed above while parties seek gatekeeping approval to maintain that litigation against NBK; and that the briefing schedule listed above be established for all motions seeking such approval.

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

The undersigned certifies that on October 9, 2024, a true and correct copy of the foregoing was served via the Court's CM/ECF system to all parties who are deemed to have consented to ECF electronic service, via email and/or U.S. first class mail, postage paid to all counsel in the Pending Actions and listed below, and also by mailing, first class, postage prepaid, to each of the parties on the attached service list.

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/s/ J. Carl Cecere

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